

CHAPTER 18.08

SIR ARTHUR LEWIS COMMUNITY COLLEGE ACT

Revised Edition

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• Act • Subsidiary Legislation •

ACT

(Act 8 of 1985 and S.I. 65 of 1993)

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CHAPTER 18.08

SIR ARTHUR LEWIS COMMUNITY COLLEGE ACT

AN ACT to provide for the establishment of an educational institution to be known as the Sir Arthur Lewis Community College and for connected matters.

Commencement [1 June 1986]

1. Short title

This Act may be cited as the Sir Arthur Lewis Community College Act.

2. Interpretation

In this Act—

“**academic term**” and “**academic year**” mean respectively the periods prescribed as such under paragraph 11(d) of the Schedule;

“**Board**” means the Board of Governors of the Sir Arthur Lewis Community College established under section 6;

“**chairperson**” means the chairperson of the Board and “deputy chairperson” shall be construed accordingly;

“**College**” means the Sir Arthur Lewis Community College established under section 3;

“**Minister**” means the Minister who is charged with responsibility for education;

“**principal**” means the principal of the College;

“**registrar**” means the registrar of the College.

3. Establishment of the College

(1) There is hereby established an educational institution to be called the Sir Arthur Lewis Community College.

(2) The aim of the College is to provide a place of education offering instruction in all or any of the following fields of education, that is to say—

- (a) agriculture;
- (b) arts and science and general studies;
- (c) health sciences;
- (d) teacher education and educational administration;
- (e) technical education and management studies,

and in such other fields of education as the Minister may determine.

4. Eligibility

(1) Men and women are eligible for appointment to any office of, or employment under the Board.

(2) A person is eligible for admission to and as a student of the College who possesses such qualifications as the Minister may by order prescribe on the advice of the Board.

5. No religious, political or racial test

No religious, political or racial test shall be imposed on or required of any person in order to entitle him or her to be a student of the College or to occupy any position in or on the staff of the College.

6. Establishment of Board

(1) There is hereby established for the purposes of the management of the College a body to be called the Board of Governors of the Sir Arthur Lewis Community College.

(2) The provisions of the Schedule have effect as to the constitution, functions and procedure of the Board and as to the organisation and staff of the College and otherwise in relation to the College.

(3) The Minister may by order amend the provisions of the Schedule.

(4) Any order made under subsection (3) shall be subject to affirmative resolution of the Senate and House of Assembly.

7. Incorporation

(1) The Board shall be a body corporate and the provisions of section 19 of the Interpretation Act apply.

(2) The seal of the Board shall be kept in the custody of the chairperson or deputy chairperson and may be affixed to instruments under a resolution of the Board and in the presence of the chairperson or deputy chairperson.

(3) The seal of the Board shall be authenticated by the signature of the chairperson or deputy chairperson and one other member of the Board.

(4) All documents, other than those required by law to be under seal, made by and all decisions of the Board may be signified under the hand of the chairperson or deputy chairperson or any member of the Board authorised to act in that behalf.

8. Power to appoint committees

(1) The Academic Board and the Management and Finance Committee shall be standing committees of the Board.

(2) In addition, the Board may appoint a committee of the Board to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(3) Any such committee appointed under subsection (2) shall consist of at least 2 members of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

(4) Where persons, not being members of the Board, are members of a Standing Committee or a committee appointed under subsection (2), the Board may with the approval of the Minister, by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Board.

(5) The Board may by resolution reject the report of any such committee appointed under subsection (2) or adopt it either wholly, or with such modifications, additions or adaptations as the Board may think fit.

9. Power to delegate

Subject to the provisions of this Act, the Board may delegate to any member or committee of the Board the power and authority to carry out on its behalf such duties as the Board may determine. However, the delegation of any such power or authority shall not prevent the Board from itself exercising the power or authority.

10. Protection of the Board

An act done or proceedings taken under this Act or the Schedule shall not be questioned on the ground of any omission, defect or irregularity not affecting the merits of the case.

11. Funds and resources of the Board

The funds and resources of the Board shall consist of—

- (a) such sums as may be voted for the purposes of the College by Parliament;
- (b) sums borrowed by the Board for the purpose of meeting any of its obligations or discharging its functions;

- (c) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.

12. Borrowing powers

(1) Subject to the provisions of subsection (2), the Board may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Minister for finance as to the amount, as to the source of the borrowing and as to the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purpose of subsection (2) may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

13. Guarantee by Minister for finance of borrowings by Board and repayment of sums issued to meet guarantees

(1) With the approval of the House of Assembly the Minister for finance may guarantee in such manner and on such conditions as he or she may think fit, the repayment of the principal and payment of interest in respect of any authorised borrowing by the Board.

(2) Where the Minister for finance is satisfied that there has been default in the repayment of any principal monies or payment of interest guaranteed under the provisions of this section he or she shall direct the repayment or payment as the case may be out of the Consolidated Fund of the amount in respect of which there has been such default.

(3) The Board shall make to the Accountant General, at such times and in such manner as the Minister for finance may direct, payments of such sums as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payment of interest on what is outstanding in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

14. Accounts and Audit

(1) The Board shall keep accounts of its transactions to the satisfaction of the Minister for finance and such accounts shall be audited annually by the Director of Audit.

(2) The members, officers and servants of the Board shall grant to the Director of Audit or to any public officer on the staff of the Audit Department access to all books, documents, monies and property of the Board and shall give him or her or such officer on request all such information as may be within their knowledge in relation to the operation of the Board.

(3) If any person fails or refuses to comply with any request of the Director of Audit or any member on the staff of his or her Department made under subsection (2) or otherwise impedes or obstructs any of them in the exercise of his or her functions under this section, he or she commits an offence and is liable on summary conviction to a fine not exceeding \$500.

15. Annual report, statement of accounts and estimates

(1) The Board shall submit to the Minister—

- (a) within 3 months after the end of each academic year, or within such further time as the Minister may allow, a report on the activities of the College during that academic year;

- (b) on or before 1 July in each year, a statement of its accounts audited in accordance with the provisions of section 14, for the financial year ending in such year;
- (c) on or before 31 December in each year, its estimates of revenue and expenditure for the College in respect of the next financial year for the approval of the Minister.

(2) Copies of the reports and statements together with the auditor's reports thereon mentioned in subsection (1)(a) and (1)(b) shall be laid on the tables of the Senate and House of Assembly.

16. Minutes of Board receivable in evidence

Minutes made of meetings of the Board shall, if duly signed by the chairperson or deputy chairperson, be receivable in evidence in all legal proceedings without further proof and every meeting of the Board in respect of which minutes have been so signed is considered to have been duly convened and held and all members present thereat to have been duly qualified to act.

17. Minister may give directions

The Minister may, after consultation with the Board, give the Board—

- (a) directions of a general character as to the policy to be followed in the exercise and performance of its functions in matters appearing to him or her to concern the public interest;
 - (b) directions for the remedying of any serious defect or failure in the successful performance of its functions,
- and the Board shall give effect to such directions.

Schedule

(Sections 2 and 6)

PROVISIONS HAVING EFFECT AS TO THE CONSTITUTION, FUNCTIONS AND PROCEDURE OF THE BOARD AND AS TO THE COLLEGE

1. Constitution of the Board

(1) The Board shall consist of a chairperson, a deputy chairperson and not less than 3 nor more than 7 other members to be appointed by the Minister from among persons of proven capacity in matters relating to the aim of the College as set out in section 3 and who are likely to contribute to the furtherance thereof.

(2) The registrar is the secretary of the Board but without the right to vote at meetings of the Board.

2. Temporary membership

The Minister may appoint any person to act temporarily in the place of any member of the Board in the case of the absence or inability to act of such member.

3. Duration and termination of membership

(1) A member of the Board shall be appointed for not more than 3 years at any one time, but shall be eligible for reappointment.

However, a member of the Board shall not hold office for periods which in the aggregate amount to more than 9 years.

(2) The Minister may, if he or she thinks it expedient, revoke the appointment of any member of the Board.

(3) The chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

(4) A member of the Board, other than the chairperson, may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the chairperson and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(Amended by S.I. 65/1993)

4. A member not to hold employment under the Board

A member of the Board shall not be appointed to any office of, or employment under the Board.

5. Meetings

(1) The Board shall meet at least once in every academic term and at such other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The chairperson may at any time summon a meeting of the Board and shall summon a meeting within 7 days—

- (a) of a request for that purpose addressed to him or her by any 3 members of the Board; or
- (b) of a direction to that effect addressed to him or her by the Minister.

(3) The chairperson, or in his or her absence the deputy chairperson, shall preside at a meeting of the Board.

(4) At any meeting of the Board, in case of the absence or inability to act of both the chairperson and the deputy chairperson, the members of the Board present shall elect one of their number to preside at that meeting.

(5) The decisions of the Board shall be by a majority of votes and in addition to an original vote, in any case in which the voting is equal the chairperson, or in his or her absence the deputy chairperson or other member presiding at that meeting shall have a casting vote.

6. Quorum

(1) At any meeting of the Board a quorum is the minimum number constituting a majority of the total members of the Board.

(2) The principal may be invited to attend meetings of the Board.

7. Minutes

(1) Minutes in proper form of each meeting of the Board shall be kept by such person as the Board may appoint for the purpose and shall be confirmed by the chairperson or deputy chairperson, as the case may be, as soon as practicable thereafter at a subsequent meeting.

(2) A copy of the minutes of every meeting of the Board shall be submitted to the Minister within 14 days thereafter.

8. Minister to be represented at meetings

The Minister may be represented at any meeting of the Board by any person authorised by him or her in that behalf and that person may take part in the proceedings at that meeting but shall not vote on any matter.

9. Functions of the Board

Without prejudice to any other functions conferred or imposed on the Board under this Act, the functions of the Board shall be—

- (a) to manage, conduct and supervise the activities of the College;
- (b) to have general supervision of the buildings, premises and grounds of the College;
- (c) to inquire into and adjudicate upon disciplinary charges against students or members of the staff of the College.

10. Delegation of functions

(1) The Board may delegate such of its functions as it thinks expedient for the purpose of effectively transacting the day to day business of the Board to the chairperson, the principal or a Committee appointed by the Board.

(2) Subsection (1) does not authorise the Board to delegate to any person the exercise of any power to make rules or to do any act involving extraordinary expenditure.

11. Rules

The Board may, with the approval of the Minister, make rules—

- (a) governing the proceedings of the Board and the manner and transaction of its business;
- (b) prescribing the manner in which documents, cheques and instruments of any description shall be signed, executed or kept for the purposes of its functions;
- (c) prescribing for the due custody of monies forming part of the funds and resources of the Board;
- (d) prescribing the academic years and terms, and the vacations and holidays to be recognised for the purposes of the College;
- (e) providing for the grant and conditions of leave for the principal and staff of the College;
- (f) prescribing the subjects of instruction, the relative prominence and value to be assigned to each subject or group of subjects and the extra-curricular activities of the College;
- (g) generally for the exercise of its functions under this Act.

12. Staff of the College

The Staff of the College shall consist of a principal, vice principal, registrar, bursar and such number of deans, senior tutors, tutors and other employees as the Board, subject to the approval of the Minister, may determine. (*Amended by S.I. 65/1993*)

13. Organisation of the College

The Board shall cause the College to be organised in Divisions corresponding as nearly as practicable with the fields of education specified in section 3(2).

14. Principal

(1) The principal shall be appointed by the Board with the prior approval of the Minister.

(2) The principal shall be the academic and administrative head of the College.

(3) The principal may terminate his or her appointment by giving one complete academic term's notice to the Board.

(4) The principal shall not hold any other appointment or engage in any other occupation which in the opinion of the Board is likely to interfere with the proper performance of his or her functions under this Schedule or is prejudicial to the welfare of the College.

15. Dismissal of principal

The principal may, with the prior approval of the Minister be dismissed by the Board subject to the following conditions—

- (a) the principal shall be given due notice that his or her dismissal is under consideration together with a statement of the charges alleged against him or her; and
- (b) the principal shall be given an opportunity to defend himself or herself against any such charges.

16. Functions of principal

Without prejudice to any other functions conferred or imposed upon him or her under the provisions of this Schedule, the principal shall be responsible for—

- (a) implementation of policy and for all phases of the operation, administration, supervision, maintenance and promotions of the College programmes, as well as for the introduction of such measures, mechanisms and procedures as are necessary for the effective discharge of these functions;
- (b) the provision of leadership in matters relating to the curriculum of the College;
- (c) the promotion of the interests of the College within and outside the State;
- (d) exercising such other powers conferred on or duties delegated to him or her by the Board in accordance with this Act.

17. Appointment of teaching staff

(1) The deans, senior tutors and tutors (hereinafter referred to as the teaching staff) shall be appointed by the Board.

(2) On first appointment a member of the teaching staff shall be required to serve a probationary period of one year unless the Board, with the prior approval of the Minister, dispenses with the requirement to serve a probationary period.

(3) Where a member of the teaching staff is appointed in the first instance for a probationary period, the Board at the expiration thereof, may, on the recommendation of the principal, appoint him or her to a post on the permanent staff of the College.

(4) The appointment to the permanent staff of the College of any member of the teaching staff who was in the first instance appointed for a probationary period, shall be deemed to have taken effect from the date of his or her appointment on probation.

(5) The appointment of a member of the teaching staff who is serving the probationary period mentioned in sub-paragraph (2) may be terminated by one month's notice given by the Board to such member or by such member to the Board.

(6) A notice given under sub-paragraph (5) shall be transmitted through the principal.

(7) A member of the teaching staff who is employed by the Board on a whole time basis shall not hold any other appointment or engage in any other occupation, which in the opinion of the Board, may interfere with the proper performance of his or her duties as such member of the teaching staff or is prejudicial to the welfare of the College.

18. Discipline

(1) A member of the teaching staff may be suspended by the principal for—

- (a) gross neglect of duty; or
- (b) misconduct calculated to injure the reputation of the College.

(2) The principal shall upon any such suspension report the same and the circumstances thereof in writing to the chairperson who shall within 7 days of the receipt by him or her of the principal's report summon a meeting of the Board to inquire into and adjudicate upon the matter.

19. Dismissal of a member of the teaching staff

Despite the provisions of paragraph 18 the Board may dismiss any member of the teaching staff appointed to a post on the permanent staff of the College, subject to the following conditions—

- (a) such member shall be given due notice that his or her dismissal is under consideration together with a statement of the charges alleged against him or her;
- (b) such member shall be given an opportunity to defend himself or herself against any such charges.

20. Termination in respect of appointment under contract

Despite the provisions of the paragraphs 14(3) and 17(5), where the principal or any member of the teaching staff is appointed and employed under a written contract of service the terms of such contract in relation to the termination thereof have effect in substitution for the provisions of those paragraphs.

21. Pensions

The provisions of the Pensions Act shall apply in respect of the pensions, gratuities or other allowances to be paid to the principal and members of the staff in respect of service in the College.

22. Other members of the staff

Members of the staff of the College other than the principal and the teaching staff shall be appointed by the Board upon such terms and conditions as the Minister may approve.

CHAPTER 18.08 SIR ARTHUR LEWIS COMMUNITY COLLEGE ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
